

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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THE UNITED STATES OF AMERICA

vs.

CHRISTOPHER D. CASACCI,  
d/b/a Exotic Cubs.com,

Defendant.  
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**NOTICE OF OMNIBUS  
PRETRIAL MOTIONS**

Docket No.: 20-CR-5-A

**MOTION BY:**

The defendant, **CHRISTOPHER D. CASACCI, D/B/A EXOTIC CUBS.COM**, by and through his attorneys, **CONNORS LLP**.

**DATE, TIME & PLACE:**

On **June 18, 2020, at 10:30 a.m.**, before the Hon. Michael J. Roemer, United States Magistrate Judge, Robert H. Jackson United States Courthouse, 2 Niagara Square, Buffalo, New York 14202.

Oral Argument is requested.

**SUPPORTING PAPERS:**

Declaration of Nicholas A. Romano, Esq., with accompanying exhibits; Declaration of Christopher D. Casacci; memorandum of law; and all prior pleadings and proceedings in this matter.

**GROUND FOR RELIEF:**

*See below and accompanying declarations and memorandum of law.*

**RELIEF REQUESTED:**

An Order of this Court:

- (1) Dismissing:
  - a. All counts for failure to state an offense against Mr. Casacci under Federal Rule of Criminal Procedure 12(b)(3)(B)(v); or

- b. In the alternative, all remaining multiplicitous counts against Mr. Casacci under Federal Rule of Criminal Procedure 12(b)(3)(B)(iii).

In the alternative to dismissal,

- (1) Striking as surplusage portions of paragraph 5 to the Introductory Allegations and paragraph 2 to Counts 19 to 33 of the Indictment under Federal Rule of Criminal Procedure 7(d); and
- (2) Directing:
  - a. The government to prepare and provide a bill of particulars under Federal Rule of Criminal Procedure 7(f), providing particularity with respect to the criminal activity alleged;
  - b. An evidentiary hearing related to and suppression of:
    - i. Statements Mr. Casacci allegedly made to law enforcement while subjected to unlawful custodial interrogation in violation of the Fifth Amendment;
    - ii. Items seized from Mr. Casacci's home in violation of the Fourth Amendment;
  - c. Discovery pursuant to Rules 12(b)(3)(E) and 16 of the Federal Rules of Criminal Procedure;
  - d. The government to produce material favorable to the defense pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny;

- e. The timely disclosure of *Jencks* material owed under 18 U.S.C. § 3500;
- f. The preservation of all law enforcement notes;
- g. Notice of any anticipated expert witness testimony under Federal Rules of Evidence 702 and 703, and to permit compliance with *Daubert v. Merrell Dow Pharms.*, 509 U.S. 579 (1993) and *Kumho Tire Co. v. Carmichael*, 526 U.S. 137 (1999);
- h. Pretrial disclosure and a hearing pursuant to Federal Rules of Evidence 404(b), 608, and 609;
- i. Pretrial disclosure of evidence offered pursuant to Federal Rule of Evidence 807;
- j. Pretrial disclosure of evidence offered pursuant to Federal Rule of Evidence 806;
- k. Reserving Mr. Casacci's right to move for additional relief as necessary; and
- l. All additional relief this Court deems just and proper.

**REPLY PAPERS:**

Mr. Casacci states his intention to reply pursuant to Local Rule of Criminal Procedure 12(b).

DATED: May 8, 2020  
Buffalo, New York

*/s/Nicholas A. Romano*

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James W. Grable, Jr., Esq.

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